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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,360	12/14/2001	Charles Trushell	US010673	8092

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BRIARCLIFF MANOR, NY 10510

EXAMINER

GUHARAY, KARABI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/017,360	Applicant(s) TRUSHELL, CHARLES	
	Examiner Karabi Guharay	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Amendment, filed on 10/7/03 has been entered.

Claims 17-20 are added.

Amendments of claims 4, 8 and 15 overcome the objection of claims 4, 8 and 15.

Amendments of claims 2-3 overcome the rejection of claims 2-3 under 35 U.S.C. 112 second paragraph.

Drawings

According to 37 CFR 1.84 (u), where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." Must not appear (see 37 CFR 1.84 (u)).

Election/Restrictions

Newly submitted claims 17-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-16 drawn to an electric lamp classified in class 313, subclass 485
- II. Claims 17-20, drawn to method for making fluorescent lamp, classified in class 445, subclass 26.

Inventions of Group I and Group II are related as product and process of making it. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process. For example, first making thick suspension of

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getter material, then add non-fluorescent oxidic material, then forming a first coating of mixture of getter and non-fluorescent material, then forming a second coating of phosphor on the first coating finally sintering.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaduk et al. (US 3875455).

Regarding claim 1, Kaduk discloses an electric lamp (fluorescent lamp 1 of Fig 1) comprising a lamp envelope 2, means for generating ultraviolet radiation (mixture of argon and other gases to produce discharge), a layer of phosphor material (phosphor

coating 12) on the inner surface of the lamp envelope for generating visible light when impinged by UV radiation (though specifically not mentioned, this is inherent since this is the principle of operation of fluorescent lamps), a reflective coat layer (undercoat layer 11) comprising a particulate non-fluorescent oxidic material (fine particle of alumina, alumina particles are well known as white reflective material, thus forming a reflective layer) with a getter material MgO contiguous on its surface (see lines 12-66 of Col 2).

The recitation of method of forming the getter material is not germane to the issue of patentability of the lamp itself. Therefore, this limitation has not been given patentable weight.

Regarding claim 2, Kudak discloses that the reflective layer (undercoat layer 11) comprises sintered mixture of particulate aluminum oxide and a getter material of alkaline earth metal oxide (MgO), which is a getter material.

Further limitation of method of forming the mixture is not germane to the patentability of the lamp.

Regarding claim 3, Kudak discloses that the undercoat layer 11 is sintered prior to the envelope being sealed (see 47-63 of Col 3).

Regarding claims 4, 6 & 8, Kudak discloses that the getter material includes MgO.

Claims 5, & 9 recite the process of forming the sintered mixture, which is not germane to the patentability of the lamp itself. Thus claims 5 and 9 have not been given patentable weight.

Regarding claim 7, Kudak discloses that the phosphor layer comprises halophosphate phosphor (line 58 of Col 3).

Regarding claim 10, Kudak discloses that the means for generating ultraviolet radiation comprises a filling of an ionizable material, a rare gas and a pair of discharge electrode 3 (lines 11-22 of column 2).

Regarding claim 11, Kudak discloses that the pair of discharge electrodes 3 each adjacent a respective sealed end (see Fig 1).

Regarding claim 12, Kudak discloses a low pressure mercury vapor fluorescent lamp (Fig 1) comprising a tubular light transmissive lamp envelope 2, having opposing sealed ends 8, a filling of mercury and a rare gas, a pair of discharge electrodes 3 arranged at a respective sealed end of the envelope, means for connecting electrodes to the source of electric potential outside of the lamp envelope (outer terminal at both ends 8, see Fig 1, lines 12- 68 of col 2)), a first light transmissive and UV radiation reflecting layer (undercoat layer comprising a sintered mixture of an aluminum oxide material and a getter material MgO (lines 5-9 of col. 4), and a second layer of luminous material (phosphor layer 12) disposed on the undercoat layer 11 (see Fig 1).

Claim 13 recites essentially the same limitations of claim 2. Thus claim 13 is rejected as claim 2 (see rejection of claim 2).

Claim 14 recites essentially the same limitation of claim 3. Thus claim 14 is rejected as claim 3. See rejection of claim 3.

Claim 15 recites essentially the same limitation of claim 4. Thus claim 15 is rejected as claim 4. See rejection of claim 4.

Claim 16 recites essentially the same limitation of claim 5. Thus claim 16 is rejected as claim 5. See rejection of claim 5.

Response to Arguments

Applicant's arguments filed 10/7/03 have been fully considered but they are not persuasive.

In response to Applicant's argument that the Kaduk's undercoat layer 11 is not disclosed as being reflective, examiner fully agrees. However, it is well known that alumina is a reflective material. Thus Kaduk's undercoat layer comprising MgO/alumina is inherently reflective. Moreover, applicant's reflective layer composition is same as Kaduk's undercoat layer 11, thus if one is reflective other will definitely be reflective since both layers are made of same material.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

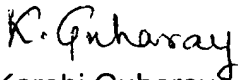
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

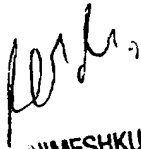
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Karabi Guharay
Patent Examiner
Art Unit 2879


NIMESHKUMAR D. PATEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800